

FISH & WILDLIFE COMMISSION AGENDA ITEM COVER SHEET

Meeting Date: August 8, 2013

Agenda Item: Proposed Fishing Access Site on Prickly Pear Creek (R4)

Division: Fisheries

Action Needed: Final

Time Needed on Agenda for this Presentation: 10 Minutes

Background

On Nov. 8, 2012, the FWP Commission endorsed FWP's request to pursue the Prickly Pear Land Trust's (PPLT) offer to donate a 36-acre parcel of land to FWP for the purpose of providing fishing access to Prickly Pear Creek near Helena. The parcel, formally referred to as the Aspen Trails property, consists primarily of riparian habitat along Prickly Pear Creek and includes a .3 mile section of a small spring creek that merges with Prickly Pear Creek. PPLT recently acquired the parcel as a part of a larger land transaction involving a 266-acre farm. PPLT has sold the remainder of the parcel (231 acres protected by a conservation easement) to an independent (private) buyer for use as agricultural land. Prickly Pear Creek has a high quality seasonal fishery and a resident fishery that have benefitted from recent improvements in flow regimes. FWP is now recommending that the Commission approve accepting the donation of this parcel.

Public Involvement Process & Results

FWP prepared an environmental assessment and solicited public comment. Ten comments were received during the public comment period. No comments voiced opposition to the proposed acquisition of the parcel. Two respondents raised issues that were not addressed in the EA. FWP responded to these issues in the decision notice. One person noted that there is an apiary on an adjoining parcel of land. FWP consulted two beekeepers and concluded that the situation was not inherently dangerous (the person commenting came to this same conclusion). FWP will place signing in the area to advise the public of the apiary and suggest avoiding the immediate area. Another person questioned the compatibility of using the parcel as a FAS while a neighbor sprayed raw sewage on this property. FWP noted that no raw sewage will be applied to the FAS and that any such practices on adjacent lands are subject to Department of Environmental Quality regulations, including significant setbacks from the property boundaries.

Alternatives and Analysis

Alternatively, the Commission could decide not to accept the PPLT donation of this parcel. It is unknown whether PPLT would identify another alternative that results in public access to Prickly Pear Creek at this location.

Agency Recommendation & Rationale

FWP recommends that the Commission approve the request to accept the PPLT donation of land that provides access to Prickly Pear Creek. This parcel would provide additional angling opportunities in close proximity to Helena.

Proposed Motion

I move that the Commission approve the Department's request to accept the Prickly Pear Land Trust's donation of 36-acres for the purpose of providing fishing access to Prickly Pear Creek.